

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 27 and 37-41 are pending; Claims 27 and 37-41 are amended; Claims 1-26 and 28-36 were previously canceled; Claims 42 and 43 are presently canceled. Support for this amendment may be found, for example, in the specification at page 19, lines 10-12. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 27 and 39 stand rejected under 35 U.S.C. § 101; Claims 27, 37, 38, and 42 stand rejected under 35 U.S.C. § 102(e) as anticipated by Hiroshima et al. (U.S. Pat. No. 5,801,781, hereafter Hiroshima); Claims 27 and 39-41 stand rejected under 35 U.S.C. § 102(e) as anticipated by Miwa et al. (U.S. Pat. No. 6,285,825, hereafter Miwa); and Claims 42 and 43 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Miwa in view of Yanagihara et al. (U.S. Pat. No. 6,211,800, hereafter Yanagihara).

Claim Rejections Under 35 U.S.C. § 101

With regard to the rejection of Claims 27 and 39 under 35 U.S.C. § 101, that rejection is respectfully traversed. Claims 27 and 39 have been amended to recite that the data includes management information used to access a stream object for at least one of recording and reproducing the data by at least one of the recording apparatus and the reproducing apparatus and bitstream information. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

**A claimed computer-readable medium encoded with a data structure defines structural and functional inter relationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.**

Thus, based on the language of this section, Claims 27 and 39 are statutory, as these claims define a functionality that is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that:

**whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. § 101 should be withdrawn. However, if the rejection under 35 U.S.C. § 101 is to be maintained, Applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP § 2106.

Claim Rejections Under 35 U.S.C. § 102

With regard to the rejection of Claims 27, 37, 38, and 42 under 35 U.S.C. § 102(e) as anticipated by Hiroshima, that rejection is respectfully traversed.

Claim 42 has been canceled herewith, thereby rendering its rejection moot. Claims 27, 37, and 38 recite a stream object formed from the bitstream information, including a plurality of MPEG transport packets, at least one first data unit having the transport packets,

and at least one second data unit having the at least one first data unit, the at least one second data unit including a plurality of pairs of the transport packets and time information relating to the paired transport packet.

As recited in the independent claims, the stream object includes a plurality of MPEG transport packets. More simply put, the at least one second data unit includes a plurality of pairs of the transport packets and time information relating to the paired transport packets.

Hiroshima describes in Figure 6 that pack 86-1 includes pack header 88, system header 90, and packets 92 ... 94. As illustrated in Figure 6, only the first packet (92) is associated with the pack header 88 including time information SCR (106). This data structure in Figure 6 in Hiroshima is distinct from the second data unit recited in Claims 27, 37, and 38, as the second data unit includes a plurality of MPEG transport packets and time information relating to the paired transport packets.

Consequently, as Hiroshima fails to disclose or suggest the second data unit of Claims 27, 37, and 38, it is respectfully submitted that these claims patentably distinguish over Hiroshima. It is therefore respectfully requested this rejection be withdrawn.

With regard to the rejection of Claims 27 and 39-41 under 35 U.S.C. § 102(e) as anticipated by Miwa, that rejection is also traversed. Claims 27, 39-41, as noted above, have been amended to recite the at least one second data unit includes a plurality of pairs of the transport packets and time information relating to the paired transport packets.

By contrast, as illustrated, for example, in Figures 20A and 20B of Miwa, the packets are broken apart into video packets and audio packets (MPEG-PES packets), not into MPEG-TS packets.<sup>1</sup>

Accordingly, as Miwa fails to disclose or suggest the plurality of MPEG transport packets, as recited in Claims 27, 39, and 40, it is respectfully submitted that Claims 27 and 39-41 patentably distinguish over Miwa. It is therefore respectfully requested that this rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

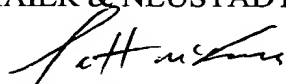
Regarding the rejection of Claims 42 and 43 under 35 U.S.C. § 103(a) as unpatentable over Miwa in view of Yanagihara, that rejection has been rendered moot by the cancellation of Claims 42 and 43.

Conclusion

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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<sup>1</sup> MPEG-TS packets contain any type of data, including video and audio.